

Pollution Formula Debated

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reform budget. He was on the panel headed by Stafford at an environmental lawyers seminar.

Tozzi defended Reagan's executive order requiring the "net benefits be positive" before any agency rule is issued. Tozzi said that does not necessarily mean "monetary benefits," but he conceded that many did not share his view.

Sacrificing Health

Stafford, architect of congressional "superfund" legislation to clean up hazardous waste sites, said the plan would require sacrificing health because it is not good business.

Dollar values will be assigned to health and even to life, then balanced against the costs of stopping the pollution that takes them, he said. Then the economically allowable level of pollution would be set, he said.

Stafford described it as "a system in which a polluter would have the right to injure others because it would cost him too much to avoid harming them."

Health, an intangible right, will have become a property right — a property right that can be taken, he said.

"If we consider establishment of a system in which health or comfort can be 'monetized' and transferred, could not the same be done with other intangible rights — those of free speech, free press, freedom of religion or fair trial?" he asked the lawyers.



Staff Photos

Sen. Robert T. Stafford
System Is Skewed

Jim J. Tozzi
Defends Order

Environment Law Analysis Debated

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By Ray McAllister
Times-Dispatch Staff Writer
VIRGINIA BEACH — Sen.

Robert T. Stafford, R-Vt., chairman of the Senate environment committee, said yesterday that the Reagan administration's plan for a "cost-benefit analysis" of environmental laws ought to be rejected.

"The system is always skewed, and always it is skewed in favor of pollution," Stafford

said at the Virginia State Bar's annual meeting.

But an administration economist, Jim J. Tozzi, argued that "we're going to meet the goals of the statutes ... but the question is, are we going to do so in a very efficient way?"

Tozzi, deputy administrator in the Office of Management and Budget, is in charge of President Reagan's regulatory

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"Of all groups, you know that the cost of a fair trial can be extraordinary."

"Special Obligation"

Stafford said lawyers have a "special obligation" to examine any threat to the nation's ethical and legal system. They should examine the proposal "should it continue to be seriously advanced in the Congress of the United States."

Stafford said that "in Washington, the economists are in the forward wave of those calling for change, with little regard for our legal system."

"If the legal and ethical system of this nation is to be protected, we must look to ourselves, not to others."

Tozzi conceded that the senator's "concern for 'monetization' of benefits is a real growing concern in Washington." His five-hour appearance before Congress Thursday is testimony to that, Tozzi said.

But Tozzi seemed to indicate that the proposal is not quite as sinister as some would make it.

He said that some economists contend that whenever legislation is passed, it represents an implicit valancing of costs and benefits, anyway. All those economists want is the same balancing to be spread across all agencies, now that money is running low, he said.

Tozzi didn't put himself in that group of economists. But he said he did want to see the justification for decisions spelled out.

"I want all the value judgments you make on the record ... for review by the public and the judiciary," he said of legislators generally. "Some who argue against 'cost-benefit analysis,' he said, "are actually arguing against disclosure."